

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GABRIEL BITON,

Petitioner

NO. 02CV3220

vs.

SHOSHANA BITON,

Respondent

STIPULATION OF FACTS

The Convention on the Civil Aspects of International Child Abduction,
done at the Hague on October 25, 1980,
International Child Abduction Remedies Act, 42 U.S.C. § 11601, *et seq.*

Petitioner, GABRIEL BITON, and Respondent, SHOSHANA BITON, hereby
agree and stipulate as follows:

1. Petitioner is GABRIEL BITON.
2. Gabriel Biton's date of birth is August 8, 1961.
3. Gabriel Biton is an Israeli citizen.
4. Gabriel Biton has lived in Israel since 1963.
5. Gabriel Biton currently resides at Ha-Histadrut Street 1059/14, Ashdod, Israel.
6. Gabriel Biton is currently unemployed.
7. Respondent is SHOSHANA BITON.

8. Shoshana Biton's date of birth is June 16, 1975.
9. Shoshana Biton is an Israeli and American citizen.
10. Shoshana Biton currently resides at 8534 Benson Street, Philadelphia, Pennsylvania 19152.
11. Shoshana Biton is currently employed part-time in the food delivery service and works 13 hours per week.
12. Gabriel Biton and Shoshana Biton first met in 1996 in Ashdod, Israel.
13. The parties were married in 1997.
14. The parties have two children: Sarit Atara Biton (born September 6, 1997) and Noam Israel Biton (born August 12, 1999).
15. Both children were born in Israel.
16. Both children have dual Israeli and American citizenship.
17. The parties signed a divorce agreement dated December 5, 2000.
18. Pursuant to the divorce agreement, Shoshana Biton has primary physical custody of the children.
19. Pursuant to an agreement, Father has partial physical custody of the children, which permits him to take the children to visit his mother every Saturday from 1:00 p.m. until 6:00 p.m.

06/23/2003

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20. Prior to the divorce, the parties lived together with the children in the following

homes:

<u>Location</u>	<u>Persons with whom resided</u>	<u>Dates</u>
105/14 Ha Histadrut Street Ashdod, Israel	Father, Mother, paternal grandmother	09/97 - 10/97
1 Ha-Tiqwa St. City Quarter, Ashdod, Israel	Father and Mother	10/97 - 10/98
1 Khoshel Balzan Ashdod, Israel	Father and Mother	10/98 - 10/99
27 Ben Eliezer St., Apt. 7 Ashdod, Israel	Father and Mother	10/99 - 12/00

21. On February 28, 2001, Shoshana Biton and the two children traveled to the

United States.

22. Shoshana Biton informed Gabriel Biton that she and the children would return to

Israel.

23. Shoshana Biton and the two children have not returned to Israel since February

28, 2001.

24. On May 24, 2002, Gabriel Biton filed a Petition for Return of the Children in the

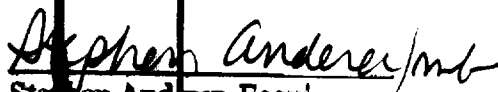
Eastern District of Pennsylvania, United States District Court.

25. The children are currently residing in Pennsylvania with Shoshana Biton.

26. Gabriel Biton did not consent to or acquiesce in the children permanently

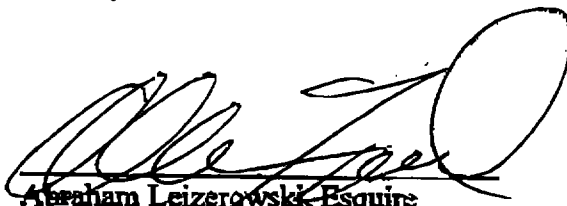
remaining in the United States.

27. Through counsel, the parties entered into a stipulation regarding the admissibility of evidence to be presented by each party. A copy of the signed stipulation is attached hereto.


Stephen Anderer, Esquire
Attorney for Petitioner

Date

6/23/03


Abraham Leizerowski, Esquire
Attorney for Respondent

Date

6-23-03

FILED FEB 19 2003

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Respondent

ORDER

AND NOW, this 18th day of February, 2003, upon consideration of the within Stipulation for an Agreed Order signed by the parties and on motion of counsel for the parties, the Stipulation is hereby approved, made an Order of Court and the parties are directed to comply with the terms thereof.

BY THE COURT:

Charles R. Wein
2/18/03 J.

ENTERED
FEB 20 2003
CLERK OF COURT

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Respondent

STIPULATION FOR AGREED ORDER

AND NOW, Albert Momjian, Esquire, counsel for Petitioner Gabriel Biton, and Abraham Leizerowski, counsel for Respondent Shoshana Biton, enter into this Stipulation for Agreed Order with the consent of the parties as follows:

WHEREAS, a Petition for Return of Children to Petitioner was filed by Gabriel Biton on May 24, 2002;

WHEREAS, the case has been assigned to the Honorable Charles R. Weiner and a hearing will be held before Judge Weiner;

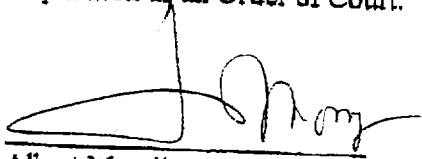
WHEREAS, counsel participated in telephone conferences with Judge Weiner on January 2, 2003 and February 5, 2003;

WHEREAS, with the Court's consent, counsel agreed to abide by certain guidelines in presenting evidence at the hearing, the parties stipulate and agree as follows:

1. The parties themselves shall present live testimony. Gabriel Biton shall testify via telephone and a translator shall be present in the courtroom to translate his testimony to the Court. Shoshana Biton shall testify in person.
2. Shoshana Biton's counsel shall present Gabriel Biton's counsel with a list of all experts whose testimony or report he wishes to submit to the Court within ten (10) days of this Order, and her counsel shall designate which experts are to testify in person, and which experts are to submit reports and be subject to deposition. Shoshana Biton's counsel shall also provide to Gabriel Biton's counsel all expert reports he plans to submit to the Court within ten (10) days of the Order, and/or designate which reports previously supplied to Gabriel Biton's counsel he wishes to submit to the Court. Gabriel Biton's counsel shall have the right to depose any experts whose reports are to be submitted to the Court within thirty (30) days of receipt of the list of the proposed experts and their reports, and Shoshana Biton's counsel shall have the right to be present at any depositions. Both the reports and deposition testimony may be submitted to the Court, although the parties reserve the right to object to the admissibility of the documents at the hearing on the ground of relevancy.
3. All peripheral and other witnesses may present their testimony by affidavit. Both parties shall submit all such affidavits that will be presented to the Court to opposing counsel within thirty (30) days of the date of the Court's Order, and each party shall then have twenty-one (21) days upon receipt of the affidavits to serve each other with counter-affidavits to the extent desired by such party. The parties shall be prohibited from submitting any affidavits or counter-affidavits to the Court that are not provided to opposing counsel on a timely basis.
4. All documents that the parties plan to submit to the Court shall be provided to

opposing counsel within thirty (30) days of the date of this Order, other than expert reports, which are subject to the provisions of Paragraph 2. The parties reserve the right to object to the admissibility of the documents at the hearing on appropriate grounds, including relevancy.

5. By signature below, the parties hereto request this Court to enter the foregoing Stipulation as an Order of Court.


Albert Mornjian, Esquire

2 - 12 - 03
Date


Abraham A. Leizerowski, Esquire

2-11-03
Date